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3713

PTO/SB/31 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

3079-010

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] February 24, 2006  
on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name Scott W. Smilie

In re Application of  
Jarvis, Eugene

Application Number  
10/077,740

Filed  
02/14/2002

For POKER GAME WITH SECONDARY  
BET OPPORTUNITY

Art Unit

3713

Examiner

Brockett

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1325. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. 44,341

Signature

Scott W. Smilie

Typed or printed name

312/551-8300

Telephone number

2/24/2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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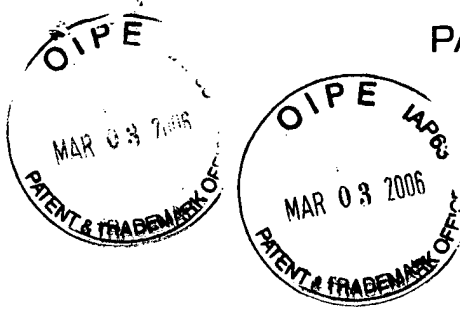
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February 24, 2006

IN REPLY REFER TO:

**3079-010**

**BY FIRST-CLASS MAIL**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Arlington, VA 22313-1450

***Re: Notice of Appeal  
Patent Application No. 10/077,740 for  
POKER GAME WITH SECONDARY BET OPPORTUNITY***

Dear Sirs:

Enclosed for filing please find a Notice of Appeal of the Final Office Action of Primary Examiner Julie K. Brockett mailed November 25, 2005 with respect to the above-referenced patent application. The enclosed Appeal comprises the following:

1. Notice of Appeal;
2. Filing fee;
3. Certificate of Mailing by First-Class Mail; and
4. Postcard.

If any additional charges or fees must be paid in connection with the filing of the above Amendment, they may be paid out of our deposit account No. 50-1325. A duplicate copy of this transmittal letter is enclosed.

Very truly yours,

**PATZIK, FRANK & SAMOTNY LTD.**

A handwritten signature in cursive script, appearing to read 'Scott W. Smilie'.

Scott W. Smilie

Enclosures



IN THE  
**UNITED STATES**  
**PATENT AND TRADEMARK OFFICE**

**IN RE APPLICATION OF:** Jarvis et al.

**CASE:** 3079-010

**SER. NO.:** 10/077,740

**FILING DATE:** February 14, 2002

**FOR:** POKER GAME WITH SECONDARY  
BET OPPORTUNITY


NOTICE OF  
APPEAL AND  
FILING FEE

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

Date of Deposit: February 24, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service, "regular Mail Post Office to Addressee" service under 37 C.F.R. 1.10 in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Arlington, VA 22313-2450, on February 24, 2006.

Dated: February 24, 2006

  
\_\_\_\_\_  
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Attorney for Applicant

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**44,341**  
**40,033**